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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,674	11/21/2000	Steven J. Kruey	777.360US1	9105

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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/717,674

Applicant(s)

KRUY ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18,28-32 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) 19-21,23,25-27,33,34 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18,28-32 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2006 has been entered.

Response to Amendment

2. The amendment filed on October 10, 2006 has been fully considered but are not persuasive. However, the arguments regarding claim 37 are moot in view of the new grounds of rejection.

- Clams 1,2,4-18, 28-32 and 36-38 are presented for examination.
- Clams 19-21,23,25-27,33-34 and 39 have been withdrawn.

Response to Arguments

Applicant argues in substance that Sridhar fails to teach keeping the connection open based on the current activity of the application program.

The applicant is reminded that the claims are given their broadest reasonable interpretation. The claims merely recites "keeping the connection open so long as another request is received before the timeout period has expired, and closing the connection when the timeout period has expired

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before another request is received from the application program” and does not specify that the connection is maintained open after the timeout period has expired. The claim broadly interpreted only recites that the connection is kept open as long as the timeout period has not expired and closed after the timeout period expires. Never does the claim language state that the timeout interval is reset or extended. Sridhar at the very least teaches the positively claimed limitations. Sridhar teaches keeping the connection open for a set period of time that is fixed arbitrarily or fixed based on past communication characteristics (col. 18, lines 59-67). Sridhar therefore teaches requests that are received within the timeout interval are processed and those not received within timeout interval are not processed. And as such Sridhar meets the scope of the claimed limitation as currently amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 8, 10, 11, 15-18, 28, 31-32, 36, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sridhar et al. (U.S. Patent Number 6,098,108, hereinafter “Sridhar”). Sridhar discloses a distributed directory for enhanced network communication. Sridhar shows, In referring to claims 1, 7, 8, 11, 15-18, 28, 31-32, 36, 38,

- An application interface of a client computer receiving a request from an application program: Sridhar, Fig. 6 shows an application interface 663 that receives requests from an application program 611
- The application interface associating a transaction identifier with the request, wherein the transaction identifier identifies a transaction that the request is associated with: Sridhar shows creating a socket and a handle for aid socket (Fig. 10)
- The application interface forming a message including the transaction identifier and the request: "When a gateway computer connects an XTP context, context handler 1328 finds the destination TCP address for a server computer in a local table 1322 and initiates an execution thread to handle communication with that gateway computer and the server computer," Sridhar, col. 21, lines 54-59)
- The application interface sending the message to a server comprising the steps of, opening a connection with the server, sending the message over the connection, initializing a timer upon receipt of a reply from the server, determining whether a timeout period has expired before another request is received from the application program, keeping the connection open so long as another request is received before the timeout period has expired, and closing the connection when the timeout period has expired before another request is received from the application program: "An XTP based communication path between gateway computer 612 and a remote communication server is maintained for a period of time after all contexts are closed. If the client application tries to open a new connection to the remote communication server during this period, the connection is open with little overhead. The period of time the connection persists, the

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"keep-alive time, " can be a fixed interval or can be determined adaptively based on past communication characteristics." (Sridhar, col. 18, lines 59-67 and the arguments above);

the server receiving the message; the server processing the request in a context of the transaction identified by the transaction identifier in the message: A system in which a reply is received by a server, inherently implies that said server received the sent message and processed said message

In referring to claim 10,

- Multiplexing together multiple requests that are destined for the server; and sending the multiple requests to the server in a multiplexed format: "Multiplexing enables one to use a single instance of the XTP protocol executing for a pair of computers communicating using XTP to handle multiple logical data streams between the two computers. This multiplexing capability is in contrast to TCP in which a separate instance of the TCP protocol executes independently for each logical data stream." (Sridhar col. 16, lines 29-55)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6, 9, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Chorn (U.S. Patent Number 6,275,843, hereinafter "Chorn").

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In referring to claims 2, 9, and 29, although Sridhar shows substantial features of the claimed invention, Sridhar does not show associating a sequence indicator with the request. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Sridhar as evidenced by Chorn. In analogous art, Chorn discloses a method and apparatus for processing multiple service requests within a global transaction by a single server application program instance. Chorn shows the application interface associating a sequence indicator to the request, wherein the sequence indicator indicates in what sequence the server should process the request within the context of the transaction; and wherein forming the message comprises including the sequence indicator in the message: Chorn, Fig. 4 shows service requests having sequence indicators. Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sridhar so as to use a sequence indicator, such as taught by Chorn, in order to avoid problems caused by processing transaction steps out of order.

In referring to claim 5, although Sridhar shows substantial features of the claimed invention, Sridhar does not show connecting to a database. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Sridhar as evidenced by Chorn. In analogous art, Chorn discloses a method and apparatus for processing multiple service requests within a global transaction by a single server application program instance. Chorn shows the server allocating a database connection to the transaction; and the server processing the requests that form a part of the transaction over the database connection allocated to the transaction: "A global transaction consists of multiple, coordinated database updates,

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possibly occurring on different computers. Global transactions are used when it is important that all databases are synchronized so that either all updates are made or none are made. " Chorn, col. 2, lines 45-49), a system in which a server connects to a database inherently implies allocating a connection to said database. Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Sridhar so as to connect to a database, such as taught by Chorn in order to process transactions that require database access.

In referring to claim 6, Sridhar in view of Chorn shows, the application interface including a sequence indicator in the message, wherein the sequence indicator indicates in what sequence the server should process the request within the context of the transaction; and wherein processing the requests comprises processing the requests in an order indicated by the sequence indicator: Chorn, Fig. 4 shows service requests having sequence indicators and processing said request in the order of the sequence indicators.

Claims 4, 12, 13, 14, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Still et al. (U.S. Patent Number 6,718,390, hereinafter "Still").

In referring to claims 4, 12, 30 and 37, although Sridhar shows substantial features of the claimed invention, Sridhar is silent as to the reception of redirect requests. Sridhar does not explicitly show redirecting to a second server without involving the application program. Still teaches a method of redirecting a client request received by a second server to a first server, where the first server processes the request and generates a result message to the second server

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(see abstract). A person of ordinary skill in the art would have readily recognized the desirability and advantages of combining Still with Sridhar so as to respond to redirect requests, in order to connect to server systems that redirect clients to other servers.

In referring to claim 13, Sridhar shows, opening a connection with the server, sending the message over the connection, initializing a timer upon receipt of a reply from the server, determining whether a timeout period has expired before another request is received from the application program, and closing the connection when the timeout period has expired (col. 18, lines 59-67).

In referring to claim 14, Sridhar shows, storing the redirect request so that the subsequent similar requests can be initially directed to the second server rather than to the first server: Sridhar uses sockets to associate connections with the client application, when a redirect changes the destination for the socket, it will be stored for subsequent requests (fig 10; col 10, lines 13-38)

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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MONSTERA M. MERY
PRIMARY EXAMINER